

1 BILL NO. S-72-12-39

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3
4 SPECIAL ORDINANCE NO. S- 94-72

5 AN ORDINANCE amending Special Ordinance
6 No. S-89-72 to correct legal description
7 and authorizing the sale of certain real
8 estate near Schwartz Road owned by the City
9 of Fort Wayne, Indiana.

10 WHEREAS, the City of Fort Wayne, Indiana is the owner of
11 certain real estate in Allen County, Indiana, said real estate
12 being more particularly described as follows:

13 Part of the North half of Section 22, Township
14 32 North, Range 13 East in Allen County, State
15 of Indiana, described as follows, to-wit:

16 Beginning at a point on the south line of the north-
17 east one-quarter ($\frac{1}{4}$) of said Section, said point
18 being situated 247.0 feet east of the center of said
19 Section; thence north 28 degrees 59 minutes west
20 75.90 feet; thence north 40 degrees 03 minutes 40
21 seconds west 265.2 feet; thence south 84 degrees
22 40 minutes 12 seconds east 192.36 feet; thence
23 south 3 degrees 37 minutes and 27 seconds east
24 252.0 feet to the place of beginning, containing
25 0.505 acres, more or less.

26 WHEREAS, said real estate is presently under the jurisdiction
27 of the City Utilities of Fort Wayne, Indiana and its Board of Pub-
28 lic Works, and was acquired in connection with the construction
29 of Cedarville Reservoir, and now has no further use to the City
30 of Fort Wayne, Indiana; and

31 WHEREAS, the Board of Public Works by Resolution under date
32 of October 3, 1972 has determined that it will be to the best
33 interest of the City of Fort Wayne, Indiana to offer said real
34 estate for sale; the sale price thereof to be a sum in cash of
35 not less than the full appraised value thereof, as determined by
36 appraisers hereinbelow provided; said appraisers appointed in the
37 manner required by law prior to the sale of municipal lands or
38 interests in such lands, and provided further that such sale be
39 made for a sum of not less than such appraised value; and

40 WHEREAS, heretofore on October 24, 1972 the Common Council
41 of the City of Fort Wayne, Indiana duly adopted its Special Ord-
42 nance No. S-89-72 which was duly presented to the Mayor of the
43 City of Fort Wayne, Indiana, and duly signed by said Mayor
44 but said Special Ordinance No. S-89-72 contained an incorrect
45 legal description due to error in the City Water Engineering
46 Department of Fort Wayne and also incorrectly stated that said
47 real estate was under the jurisdiction of the Civil City of
48 fort Wayne, Indiana, whereas it is under the jurisdiction of
49 the City Utilities of the City of Fort Wayne, Indiana.

1
2 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
3 THE CITY OF FORT WAYNE, INDIANA:

4 SECTION 1. That the Mayor of the City of Fort Wayne, Indiana
5 be and he is hereby authorized and directed in the name of,
6 for and on behalf of said City, to sell, grant and convey the
7 real estate described above in fee simple, the sales price
8 thereof to be a sum in cash of not less than the full appraised
9 value thereof as determined by the appraisers hereinbelow provided.

10 SECTION 2. That upon full payment of the purchase price
11 of said real estate to said City, the said Mayor, in the name
12 of and for and on behalf of said City, shall be, and hereby is,
13 authorized and directed to execute and deliver an instrument
14 granting and conveying to the highest bidder for the purchase
15 of said above described real estate in fee simple, and the sig-
16 nature of the Mayor on such instrument shall be attested by
17 the City Clerk of the City of Fort Wayne, Indiana, and accom-
18 panied by the seal of said City.

19 SECTION 3. The Judge of Allen Circuit Court be, and he is
20 hereby requested to appoint three (3) disinterested freeholders
21 of the City of Fort Wayne to appraise and determine the value
22 of the above described real estate with a view to the sale of
23 the same, and prior to such appraisement the Board of Public
24 Works shall advise said appraisers of the terms and conditions
25 to be included in the instrument of conveyance which said Board
26 considers necessary or advisable in the best interests of said
27 City.

28 SECTION 4. This Ordinance shall be and continue sufficient
29 authority for the Mayor and the Board of Public Works and the
30 City Clerk of Fort Wayne, Indiana to effect the sale, grant and
31 conveyance of said above described real estate in fee simple
32 and to do all things incidental thereto or necessary therefor.

33 SECTION 5. This Ordinance shall be in full force and
34 effect from and after its passage by the Common Council and
35 approval by the Mayor.

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Approved as to form and legality
this 11th day of December, 1972.

By: James H. Logan
Associate City Attorney

Read the first time in full and on motion by _____ seconded by _____ and duly adopted, read the second time by title and referred to the Committee on _____ (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the _____ day of _____ 19____, at _____ o'clock P.M., E.S.T.

Date: _____ CITY CLERK

Read the third time in full and on motion by Moses seconded by Gilmore and duly adopted, placed on its passage. Passed (~~lost~~) by the following vote:

AYES <u>4</u>	NAYS <u>0</u>	ABSTAINED <u>0</u>	ABSENT <u>1</u> to-wit:
Burns <u>✓</u>	_____	_____	_____
Hinga <u>✓</u>	_____	<u>0</u>	<u>X</u>
Kraus <u>✓</u>	_____	_____	_____
Nuckols <u>✓</u>	_____	_____	_____
Moses <u>✓</u>	_____	_____	_____
Schmidt, D. <u>✓</u>	_____	_____	_____
Schmidt, V. <u>✓</u>	_____	_____	_____
Stier <u>✓</u>	_____	_____	_____
Talarico <u>✓</u>	_____	_____	_____

Date 12/12/72 Charles W. Wintermans
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as ~~Zoning~~ ^{Special} Map (General) (Annexation) (Special) (Appropriation) Ordinance (~~Resolution~~) No 1-94-72 on the 12th day of December, 1972.

ATTEST: (SEAL)

Charles W. Wintermans
CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of December, 1972 at the hour of 10:00 o'clock A M., E.S.T.

Charles W. Wintermans
CITY CLERK

Approved and signed by me this 13th day of December, 1972 at the hour of 1:00 o'clock P m., E.S.T.

Don A. Schaeff
MAYOR

SUSPENSION OF RULES

BILL NO. 8-72-12-39

Councilman W. Moser, moved to suspend the rules on passage of BILL NO. 8-72-12-39, at this meeting of 12-12-72, of the Common Council of the City of Fort Wayne, Indiana. Said motion was seconded by Councilman J. Stier, and duly passed by unanimous vote of all legally elected members of the said Common Council.

The above BILL and 8-94-72 Special ORDINANCE was accordingly placed on its passage.

DATE: 12-12-72

	PRESIDING OFFICER	CITY CLERK				
	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT	
<u>BURNS</u>	✓					
<u>HINGA</u>	✓			✓		
<u>KRAUS</u>	✓					
<u>NUCKOLS</u>	✓					
<u>MOSES</u>	✓					
<u>D. SCHMIDT</u>	✓					
<u>V. SCHMIDT</u>	✓					
<u>STIER</u>	✓					
<u>TALARICO</u>	✓					

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No 8-94-72

ATTEST:

(SEAL)

DATE: 12-12-72

CITY CLERK

ORDINANCE CHECK-OFF SHEET

INFORMATION REGARDING ORDINANCE

CONTENTS OF ORDINANCE

	BILL NO. <i>72-12-39</i>
	ORDINANCE NO. <i>94-72</i>
X	REGULAR SESSION <i>12-12-72</i>
	SPECIAL SESSION
	APPROVED AS TO FORM AND LEGALITY
	BILL WRITTEN BY <i>Logan</i>
	DATE INTRODUCED <i>12-12-72</i>
	REFERRED TO SAID STANDING COMMITTEE <i>Hinga</i> <i>James</i>
	REFERRED TO CITY PLAN
	LEGAL PUBLIC HEARING
	LEGAL PUBLICATION
	JOINT HEARING
	DEPARTMENT HEARING
	HOLD FILE
X	PASS <i>12-12-72</i>
	DO NOT PASS
	WITHDRAWN
X	SUSPENSION OF RULES <i>12-12-72</i>
	PRIOR APPROVAL
	ORDINANCE TAKEN OUT OF OFFICE
	OTHER INSTRUCTIONS REGARDING ORDINANCE
	CORRECTIONS MADE TO ORDINANCE
	PEOPLE SPEAKING FOR ORDINANCE
	PEOPLE SPEAKING AGAINST ORDINANCE

	COMMITTEE SHEET
X	VOTE SHEET
	PURCHASE ORDERS
	BIDS
	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	COMMUNICATIONS FROM
	ZONING MAPS
	ABSTRACTS
	TITLES
	PRIOR APPROVAL LETTER

COUNCILMAN'S VOTE

	AYES	NAYS	ABSENT
BURNS	X		
HINGA			X
KRAUS	X		
MOSES	X		
NUCKOLS	X		
D. SCHMIDT	X		
V. SCHMIDT	X		
STIER	X		
TALARIGO	X		

COMMENTS: